



**ADVISORY COUNCIL ON HISTORIC PRESERVATION**

**Notice of issuance of the Department of the Army Program  
Comment for Army Warfighting Readiness and Associated  
Infrastructure**

**AGENCY:** Advisory Council on Historic Preservation.

**ACTION:** Notice of issuance of the Department of the Army Program Comment for Army Warfighting Readiness and Associated Infrastructure.

**SUMMARY:** The Advisory Council on Historic Preservation has issued a program comment for the U.S. Department of the Army that sets forth how the Army may comply with Section 106 of the National Historic Preservation Act on Army installations for its warfighting readiness activities and associated infrastructure, including: training, testing, equipping, and industrial activities and management actions on associated infrastructure.

**DATES:** The Program Comment went into effect on April 3, 2026.

**ADDRESSES:** Address any questions concerning the Program Comment to Jaime Loichinger, Office of Federal Agency Programs, Advisory Council on Historic Preservation, 401 F

Street NW, Suite 308, Washington, DC 20001,  
jloichinger@achp.gov.

**FOR FURTHER INFORMATION CONTACT:** Jaime Loichinger, (202)  
517-0219, jloichinger@achp.gov.

**SUPPLEMENTARY INFORMATION:** Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108 (Section 106), requires federal agencies to consider the effects of projects they carry out, license, or assist (undertakings) on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment with regard to such undertakings. The ACHP has issued the regulations that set forth the process through which federal agencies comply with these duties. Those regulations are codified at 36 CFR Part 800 (Section 106 regulations).

Under Section 800.14(e) of those regulations, agencies can request the ACHP to provide a "program comment" on a particular category of undertakings in lieu of conducting individual reviews of each individual undertaking under such category, as set forth in 36 CFR 800.4 through 800.7. An agency can meet its Section 106 responsibilities with regard to considering the effects of those undertakings by taking into account an applicable program comment and following the steps set forth in that comment.

The U.S. Department of the Army (Army) sought a program comment for its training, testing, equipping, and industrial activities as well as management actions related to its inventory of properties across 135 Army installations. Actions covered by the program comment would include military maneuvers and exercises; military weapons and materiel testing on ranges and in facilities; research, development, testing, evaluation, manufacturing, storing, maintaining, shipping, and disposing of materiel; and maintenance, repair, rehabilitation, renovation, abatement of hazardous materials, mothballing, cessation of maintenance, demolition, new construction, lease, transfer, or conveyance as management actions. These actions present a potential for adverse effects to historic properties.

The ACHP issued the Program Comment for Army Warfighting Readiness and Associated Infrastructure (Program Comment) on April 3, 2026. The Section 106 regulations require that the Program Comment be published in the Federal Register. This Federal Register notice fulfills the Army's notification requirement at 36 CFR 800.14(e)(5)(i).

### **I. Need for the Program Comment**

The Army's warfighting readiness mission is defined by 10 U.S.C. 7062. This Program Comment supports the statutory

military readiness mission. It accelerates and improves Section 106 compliance for Army warfighting readiness and associated infrastructure by using defined standards and procedures to ensure predictable outcomes. The Program Comment also enables Army-wide warfighting readiness while balancing Section 106 historic preservation requirements. It allows the Army to manage its portfolio of historic properties effectively while ensuring it can adapt its infrastructure to meet modern defense challenges and execute warfighting readiness activities at mission speed.

## **II. Overview**

The Army has 250 years of experience designing, building, operating, and maintaining military infrastructure. Since its origins as the Continental Army in 1775, the Army has designed and constructed a broad portfolio of real property assets. The Army has an infrastructure of 14 million acres and 135 installations with over 390,000 buildings and structures exceeding one billion square feet, designed, built, and managed by the Army for warfighting readiness purposes. Since 1866, the Army's construction of buildings has relied on standardized Army-wide plans and designs, resulting in nearly identical historic building types and installation designs nationwide, which are often subject to recurring management

actions. The Army currently manages over 200,000 properties (122,000 buildings and structures and 84,000 archaeological sites). With the Army's large and aging inventory of buildings and archaeological sites continually being discovered, the number of Army properties that may be subject to Section 106 review is projected to exceed 500,000 in the near future.

The Program Comment utilizes the military landscape as the nationwide analytical framework for management of Army historic properties. The military landscape is composed of two primary components - built infrastructure and natural infrastructure - collectively termed associated infrastructure. The military landscape framework supports consistent and context-sensitive decision making on all Army installations. The Program Comment implements this approach through a tiered system that aligns with the Army's historic property portfolio:

- Tier 1 - National Historic Landmarks (NHLs);
  - Tier 2 - Properties of Traditional Religious and Cultural Importance (PTRCI);
  - Tier 3 - Pre-1941 Built Infrastructure (Non-NHL) / Archaeological Sites and Districts (Non-PTRCI);
- and

- Tier 4 - WWII and Cold War Era Built Infrastructure (1941-1989) (Non-NHL).

The Program Comment establishes management review procedures based on these tiered property types.

### **III. Consultation on the Program Comment**

The Army submitted its request for the Program Comment to the ACHP on December 18, 2025. The Army sought participation from the public, State Historic Preservation Officers (SHPOs), Indian Tribes, Native Hawaiian Organizations (NHOs), and other interested parties in the Program Comment's development prior to formally submitting its request for a Program Comment to the ACHP.

Upon receipt of the Army's request and in accordance with 36 CFR 800.14(e) (2), (3), and (4), the ACHP conducted consultation with SHPOs, Tribal Historic Preservation Officers (THPOs), Tribes, and NHOs and provided for public participation.

During the ACHP's consultation in January 2026, outreach consisted of broadcast emails, social media posts, and a dedicated website for the Program Comment. The ACHP conducted two government-to-government consultations with Indian Tribes with a total of seven Tribal nations represented. Additionally, the ACHP conducted two (2) SHPO meetings with a total of 22 states represented in addition

to the National Conference of State Historic Preservation Officers (NCSHPO). Thirty-five written comments were received. During consultation, the ACHP received comments and questions regarding the Program Comment's scope and applicability, its effect on existing Section 106 agreements, and its processes for identifying historic properties, assessing effects to them, and resolving adverse effects.

Regarding the Program Comment's scope and applicability, comments were received that the category of undertakings subject to the Program Comment's terms were overbroad and undefined. Comments also questioned the Program Comment's application on lands not managed by the Army. Commenters also requested that the provision terminating existing Section 106 Memoranda of Agreement (MOAs), Programmatic Agreements (PAs), and Army Alternate Procedures (AAPs) be removed, and noted that Section 106 agreements must be terminated in accordance with the relevant termination processes. Comments regarding identification, assessment and resolution efforts generally requested additional consultation with consulting parties and raised concerns with the use of standard mitigation processes for resolving adverse effects to historic properties.

The Army's request for the Program Comment was considered by ACHP membership during the February 12, 2026, ACHP business meeting. Members voted in favor of requesting the Army consent to providing an additional 45 days for the ACHP to take action on its request. The Army provided the additional time, requiring ACHP member action by April 3, 2026.

ACHP staff worked with the Army to address the outstanding comments and concerns from the Members and ACHP staff. The Army added language limiting the Program Comment's application to Army installations, and further defined the category of undertakings subject to the Program Comment's terms. The Program Comment was revised to acknowledge that it is an optional compliance tool, and that existing Section 106 agreements would have to be terminated in accordance with their own provisions. The Army also added detail regarding the processes it would follow to consult with Tribes and incorporate Indigenous Knowledge, and to notify SHPOs, Tribes, and the ACHP on post-review discoveries. Revisions were also made to identify the process by which the Program Comment could be amended and to include an expiration date of December 31, 2055.

#### **V. More Information**

For further information on the Program Comment and its appendices, see <https://www.denix.osd.mil/army-pcwr/>.

## **VI. Text of the Program Comment**

Due to their length, the appendices of the issued Program Comment are not reproduced here. A copy of the full Program Comment with its appendices, and related information, can be found at <https://www.denix.osd.mil/army-pcwr/>. The Program Comment for Army Warfighting Readiness and Associated Infrastructure with appendices is the document linked as "Program Comment Army Readiness."

What follows is the text of the issued Program Comment, minus its appendices:

### **PROGRAM COMMENT FOR DEPARTMENT OF THE ARMY WARFIGHTING READINESS AND ASSOCIATED INFRASTRUCTURE**

#### **1.0. INTRODUCTION**

##### **1.1. Authority.**

Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108 (Section 106 and NHPA), requires Federal agencies to consider the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment with regard to such undertakings. The ACHP has issued regulations that set forth the process through which

Federal agencies comply with their statutory responsibilities. Those regulations are codified under 36 CFR Part 800 (Section 106 regulations).

A Section 106 undertaking is defined in 36 CFR 800.16 as a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval. Under 36 CFR 800.14(e), Federal agencies can request the ACHP provide a "program comment" on a "category of undertakings" and, once provided, the agency operates under the program comment "in lieu of" conducting individual reviews of such undertakings under 36 CFR 800.3 to 800.7. The category of undertakings addressed under this program comment is Department of the Army (Army) warfighting readiness activities and management actions on associated infrastructure proposed to take place on Army installations across the country.

A Federal agency can meet its Section 106 responsibilities by following the process set forth in an applicable program comment. The Army developed and requested the ACHP provide this Program Comment for Army

Warfighting Readiness and Associated Infrastructure to better support Army warfighting readiness.

## **1.2. Rationale.**

The Army's warfighting readiness mission is defined by 10 U.S.C. 7062. This program comment directly supports the statutory military readiness mission. It accelerates and improves Section 106 compliance for Army warfighting readiness and associated infrastructure by reducing bureaucracy, optimizing resources, and using defined standards and procedures to ensure predictable outcomes. It is an at scale solution that enables Army-wide warfighting readiness while balancing NHPA Section 106 historic preservation requirements.

Program comments operate on two key principles: (1) they apply to a category of undertakings that in this case are warfighting readiness activities and management actions on associated infrastructure; and (2) they operate in lieu of 36 CFR 800.3 - 800.7, meaning program comment procedures replace the project-by-project review procedures in the regulation. A benefit of program comments is that they allow a federal agency to comply with Section 106 in a tailored, consistent way for an agency-wide category of undertakings rather than addressing each undertaking individually through project-by-project review. Program

comments enable a federal agency's headquarters to establish a broader, more holistic agency-wide approach to Section 106 compliance than is possible at the local level.<sup>i</sup>

The Army has 250 years of experience designing, building, operating, and maintaining military infrastructure. Since its origins as the Continental Army in 1775, the Army has designed and constructed an enormous portfolio of real property assets. The Army has a sprawling infrastructure of 14 million acres and 135 installations with over 390,000 buildings and structures exceeding one billion square feet, designed, built, and managed by the Army for warfighting readiness purposes. Since 1866, the Army's construction of buildings has relied on standardized Army-wide plans and designs, resulting in nearly identical historic building types and installation designs nationwide,<sup>ii</sup> which are subject to many recurring management actions. Program comments are designed for federal agencies like the Army, that have repetitive management actions affecting a large inventory of similar types of historic properties and for agencies with programs that generate many similar undertakings.<sup>iii</sup>

The Army currently manages over 200,000 properties subject to Section 106 review (122,000 buildings and structures and 84,000 archaeological sites). With the

Army's large and aging inventory of buildings and new archaeological sites continually being discovered, the number of Army properties subject to Section 106 review is projected to exceed 500,000 in the near future. This situation is compounded by a complex and inconsistent regulatory environment driven by 115 different Army installation-level Section 106 compliance agreements with State Historic Preservation Offices (SHPOs), the ACHP, and others. Under these agreements, project-by-project reviews occur for actions having no adverse effects, standardized Army-wide property types are treated inconsistently across states and installations, and military infrastructure is often required to meet highly restrictive, high-cost museum-level historic preservation standards that impact the economic viability of projects.<sup>iv</sup> A recent ACHP Chairman's report titled "Report and Recommendations on the Application of Federal Historic Preservation Standards" documents the inconsistent application of overly restrictive historic preservation standards and similar economic impacts.<sup>v</sup>

This program comment provides a strategic, at scale Army-wide solution to its Section 106 compliance challenge. It provides the Army with a standardized framework ensuring that appropriate preservation standards are applied

consistently across all Army installations. This is a proven strategy for the Army's built infrastructure. The same approach has been successfully implemented under four other ACHP-approved program comments covering the Army's 30,000 historic homes, providing a clear proof of concept for Army built infrastructure.<sup>vi</sup> This program comment recognizes that historic Army housing and associated built infrastructure were planned and developed in a coordinated manner during the same time periods. Under this program comment, they are now treated in the same consistent manner for Section 106 compliance purposes.

This program comment details the specific category of Army undertakings, specifies their likely effects on historic properties, and outlines the steps the Army takes to ensure those effects are considered. Critically, all substantive on-the-ground Army historic preservation activities continue under this program comment. The Army continues its historic preservation efforts including historic property inventory, evaluation, assessment, and treatment activities but through a standardized system that aligns with the nature of the Army's historic property portfolio and Army mission requirements. This program comment approach allows the Army to manage its vast portfolio of historic properties more effectively while

ensuring it can adapt its infrastructure to meet modern defense challenges and execute warfighting readiness activities at mission speed.

### **1.3. Overview.**

This program comment implements the military landscape as the nationwide analytical framework for management of Army historic properties. The military landscape is composed of two primary components - built infrastructure and natural infrastructure - collectively termed associated infrastructure. The military landscape framework supports more consistent and context sensitive decision making on all Army installations. This program comment implements this approach through a tiered system that aligns with the Army's historic property portfolio:

- Tier 1 - National Historic Landmarks (NHLs): The Army's 20 NHLs are subject to a higher standard of care if they are directly and adversely affected by an undertaking. For actions that may adversely affect NHLs, Army Secretariat-level project-by-project consultation with the ACHP and National Park Service (NPS) occurs to minimize harm and inform mitigation measures.
- Tier 2 - Properties of Traditional Religious and Cultural Importance (PTRCI): Tier 2 properties are

subject to higher standard of care. Proactive and project-by-project consultations are conducted by installations with Federally recognized Tribes and Native Hawaiian Organizations (NHOs) for actions to identify, evaluate, and treat PTRCI.

- Tier 3 - Pre-1941 Built Infrastructure (Non-NHL) / Archaeological Sites and Districts (Non- PTRCI): Program comment procedures and guidelines are implemented internally by installations in coordination with Army commands for actions affecting non-NHL pre-1941 built infrastructure and non-PTRCI archaeological sites and districts.
- Tier 4 - WWII and Cold War Era Built Infrastructure (1941-1989) (Non-NHL): Adverse effects from the covered undertakings to Tier 4 properties have been addressed by extensive mitigative documentation and by the physical preservation of period NHL properties.

## **2.0. Program Comment Goal, Category of Undertakings, and Effect.**

### **2.1. Goal.**

The goal of this program comment is to obtain programmatic compliance with Section 106 for the Army's warfighting readiness activities and management actions on associated infrastructure on Army installations by means of

this program alternative under 36 CFR 800.14(e). This program comment establishes nationwide consistency and accelerates Section 106 compliance for Army warfighting readiness activities and associated infrastructure.

## **2.2. Category of Undertakings.**

The category of undertakings addressed by this program comment is Army warfighting readiness activities and management actions on associated infrastructure on Army installations. The warfighting readiness category of undertakings are detailed in Appendix A. Associated infrastructure is detailed in Appendix B, management actions that may affect associated infrastructure are also detailed in Appendix B.

## **2.3. Effect.**

The category of undertakings addressed by this program comment may adversely affect historic properties through ground disturbing activities and by management actions occurring on associated infrastructure. Adverse effects will be avoided whenever possible, and where avoidance may not be possible, adverse effects will be resolved through minimization and mitigative measures in accordance with this program comment.

## **3.0 Program Comment Operating Principles.**

This program comment applies a tiered historic property management system that tailors management to the nature of the Army's historic property portfolio.

This program comment recognizes that Army installations in their entirety may be considered bounded, defined military landscapes. Military landscapes serve as the nationwide analytical framework for management of Army historic properties.

This program comment recognizes that the Army's historical use of standardized construction plans has resulted in nearly identical historic building types and installation designs nationwide, which are subject to recurring management actions.

This program comment recognizes the historical and developmental connection between Army housing and other built infrastructure on installations. ACHP approved program comment guidelines applicable to the Army's pre-1941 historic housing will be applied to the Army's pre-1941 built infrastructure (see Appendices C and D) via the terms of this program comment.

This program comment recognizes that Army installations, through consultation with Federally recognized Tribes and NHOs, will consider Indigenous

Knowledge and the significance that Federally recognized Tribes and NHOs ascribe to PTRCI.

This program comment does not affect or in any way alter the Army's responsibilities under applicable Treaties, the Native American Graves Protection and Repatriation Act, American Indian Religious Freedom Act, or Executive Order 13007 Indian Sacred Sites, or any requirements other than those of the NHPA.

This program comment is supported by comprehensive documentation of World War II and Cold War era (1941-1989) historic properties prepared by the Army and Department of War.<sup>vii</sup>

This program comment recognizes that the comprehensive documentation of World War II and the Cold War era historic properties and the physical preservation of Army World War II and the Cold War NHLs constitute mitigation addressing the adverse effects of warfighting readiness activities and management actions on non-NHL historic properties from the WWII and Cold War eras (1941-1989).

The Army will apply the Secretary of the Interior's Standards for Rehabilitation to pre-1941 buildings through the procedures and guidelines of this program comment. The Army will utilize substitute building materials when historic building materials and in-kind building materials

are not economically or technically feasible. The Army intends that most substitute building materials will be reversible and can be replaced with in-kind building materials at any time.

As specified below, this program comment recognizes the inherent danger and unlikely prospect of identifying intact historic properties safely in areas on Army installations where there are human health and safety hazards including areas containing unexploded ordnance (UXO) such as impact areas and surface danger zones, and any contaminated land areas and contaminated properties.

This program comment identifies National Mitigation Areas that preserve a broad range of historic property types and recognizes the Army's statement that National Mitigation Areas are an enduring compensatory mitigation for adverse effects to historic properties.

#### **4.0 Implementation of the Program Comment.**

##### **4.1. The Military Landscape.**

This program comment implements the military landscape as the nationwide analytical framework for managing historic properties in the context of the Army's warfighting readiness activities. Installation military landscapes are a unique and dynamic nationwide asset; they are the only landscapes in the U.S. that have historically

been and continue to be actively shaped by military warfighting readiness missions and activities.

Unlike static historic military sites such as battlefields or military memorials, installation military landscapes are the living, evolving manifestation of the Army's past and present warfighting readiness activities. Each Army installation in its entirety is a military landscape characterized by the following defining features:

- A landscape defined by restricted access, controlled entry/exit points, and defined borders.
- Warfighting readiness activities are the fundamental factor influencing the landscape and associated infrastructure development.
- The siting and layout of installations directly relates to the evolution of the military mission over time.
- A high degree of similarity in basic military components, standardized building designs and overall layout within and between installations.
- Pre-military historic properties embedded within the military landscape.

The military landscape is composed of two primary components - built infrastructure and natural

infrastructure - collectively termed associated infrastructure. Built infrastructure includes the buildings and structures under Army Real Property Category Codes 1-8. Natural infrastructure is under Army Real Property Category Code 9 and incorporates all Army installation lands (see Appendices A and B).

The military landscape analytical framework recognizes that each Army installation is a continuously evolving military landscape. Army military landscapes are defined by ongoing infrastructure change and modification in response to the changing demands of the Army's warfighting readiness mission. Changes in military doctrine, training methods, and weapons technology trigger a constant process of adaptation, including new construction, demolition, reuse, and the physical expansion and contraction of installations. The military landscape is a cohesive and dynamic setting, continually shaped and defined by the military readiness mission.

Recognizing the dynamic nature of warfighting readiness activities and their role in creating and maintaining the installation military landscape is fundamental for historic property management in this setting. Installation military landscapes are created and maintained by the continuous execution of warfighting

readiness activities. Warfighting readiness activity-related physical changes to the setting of historic properties and visual, atmospheric, and audible elements related to warfighting readiness activities are features of the military landscape that may contribute to the significance of historic properties within that setting.

The installation military landscape is also where warfighting readiness activities and the management of pre-military historic properties intersect. Pre-military historic properties have their own intrinsic non-military significance. Some of those properties, such as archaeological sites and PTRCI, may have significance that predates military use and may continue to have significance independent of military use. The military landscape contextualizes management of such pre-military historic properties. Pre-military historic properties located within the military landscape setting require a dual management approach by installations that addresses both their intrinsic historic significance, and their place within the operational military landscape setting.

#### **4.2. Historic Property Management Procedures.**

##### **4.2.1. General.**

For warfighting readiness activities and management actions on associated infrastructure on Army installations,

the identification, evaluation, assessment of effect, monitoring, and mitigation of adverse effects to historic properties may occur under the procedures in this program comment in lieu of individual project-by-project reviews under 36 CFR 800.3 - 800.7.

The Army will define the area of potential effects of covered undertakings and will identify historic properties within the area of potential effects. The Army will evaluate identified properties for eligibility for inclusion in the National Register of Historic Places under the applicable National Register criteria. The Army will assess the effects of covered undertakings on historic properties and identify appropriate treatment measures where there are adverse effects. Due to the passage of time, changing perceptions of significance, or incomplete prior evaluations, reevaluation may be needed for properties previously determined eligible or ineligible for inclusion in the National Register of Historic Places. For certain covered undertakings, the review process will occur internally within the Army and as described below, with identified exceptions where outside consultation will occur.

**4.2.2. Professional Standards and Qualifications.**

The Army will conduct all work on historic properties in accordance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.<sup>viii</sup> This work will be supervised by individuals meeting the applicable Secretary of the Interior's Professional Qualification Standards.<sup>ix</sup> Installations satisfy the supervision requirement either by using their own qualified staff, or by securing support through a contract or other service agreement with a firm or organization having qualified personnel that supervise the work on historic properties.

For all covered undertakings, any efforts pertaining to identification, evaluation and mitigation of PTRCI will be conducted in consultation with the appropriate Federally recognized Tribes or NHOs to ensure those efforts are informed by Indigenous Knowledge.

#### **4.2.3. Management of Tier 1 Properties - Army NHLs.**

NHLs are Tier 1 properties under this program comment. NHLs are designated by the Secretary of the Interior under the authority of the Historic Sites Act of 1935. The Army will treat NHLs with a higher standard of care that includes planning to minimize harm to NHLs when they may be adversely affected by a covered undertaking. The Army Federal Preservation Officer (FPO) will conduct project-by-

project consultation with the ACHP and NPS when NHLs may be directly and adversely affected by an undertaking.

There are 20 designated NHLs located on Army installations, including both individual NHL properties and NHL districts. The Army's NHLs were constructed by the Army and continue to serve the Army's national defense mission.<sup>x</sup>

- Ladd Field NHL District, Fort Wainwright, AK
- Fort Huachuca NHL District, Fort Huachuca, AZ
- Pioneer Deep Space Station, Fort Irwin, CA<sup>xi</sup>
- National War College, Fort McNair, DC
- Yuchi Town Archaeological Site, Fort Benning, GA
- Palm Circle NHL District, Fort Shafter, HI
- Wheeler Field NHL District, Schofield Barracks, HI
- Fort Des Moines NHL District, Des Moines, IA (Army is only responsible for specific contributing buildings)
- Rock Island Arsenal NHL District, Rock Island Arsenal, IL
- Fort Leavenworth NHL District, Fort Leavenworth, KS
- Launch Complex 33, White Sands Missile Range, NM
- Trinity Site, White Sands Missile Range, NM
- Watervliet Arsenal NHL District, Watervliet Arsenal, NY

- West Point NHL District, US Military Academy, West Point, NY
- Fort Sill NHL District, Fort Sill, OK
- Carlisle Indian School NHL District, Carlisle Barracks, PA
- Fort Douglas NHL District, Salt Lake City, UT  
(transfer out of Army ownership is currently underway and once completed this will no longer be an Army NHL)
- Fort Myer NHL District, Fort Myer, VA
- Quarters 1, Fort Myer, VA
- Opana Radar Site, Kahuku Training Area, HI

NHPA Section 306107 "Planning and actions to minimize harm to National Historic Landmarks" states that prior to the approval of any undertaking that may directly and adversely affect an NHL, federal agencies will to the maximum extent possible undertake planning and actions as may be necessary to minimize harm to the landmark. The Federal agency also affords the ACHP a reasonable opportunity to comment regarding the adverse effect undertaking. Further, 36 CFR 800.10 requires the agency to notify the Secretary of the Interior / NPS and invite them to participate in consultation where there may be an adverse effect.

The Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs (63 FR 20496, April 24, 1998) provide agencies with implementing guidelines for NHPA Section 306107. Per the Secretary's Guideline at 4(k) pertaining to NHLs, when alternatives to avoid an adverse effect to NHLs appear to require undue cost or compromise the undertaking's goals and objectives, the agency will balance those goals and objectives with the intent of Section 306107 of the NHPA.

Army installations seek to avoid adverse effects to NHLs to the maximum extent possible. Where adverse effects to NHLs are unavoidable, installations and commands prepare and submit a treatment plan for the adversely effected NHL through their chain of command to the Army FPO. The NHL treatment plan will indicate why the adverse effect is unavoidable and identify the appropriate mitigation measure identified in this program comment to minimize harm to the NHL.

The Army FPO will notify and invite the ACHP and NPS to participate in a thirty (30) calendar day consultation to address adverse effects to NHLs. The Army FPO will consider written comments from the ACHP and NPS and may require installations and commands to revise NHL treatment plans in consideration of the views provided by the ACHP

and NPS. Prior to taking any action that adversely affects an NHL, the command and installation will receive the FPO's written endorsement of the NHL treatment plan. The Army FPO will make the approved treatment plan available to the ACHP and NPS for informational purposes.

**4.2.4. Management of Tier 2 Properties - Properties of Traditional Religious and Cultural Importance.**

The relationship between the Army and Federally recognized Tribes is a government-to-government relationship founded on the principle of tribal sovereignty. This unique relationship between Federally recognized Tribes and the Army transcends the requirements of the NHPA. The Army also has respectful consultative relationships with NHOs. Through these relationships, the Army will address the significance that Tribes and NHOs attribute to PTRCI.

Indigenous Knowledge is a unique and valuable form of expertise not held by the Army, ACHP, NPS, SHPOs, or anyone other than Indian Tribes and NHOs. Indigenous Knowledge is essential for the identification and management of PTRCI. The Army will seek and incorporate Indigenous Knowledge from Federally recognized Tribes and NHOs when identifying and considering the effects of its actions on PTRCI. Installations will assess how actions under this program

comment may affect such properties, considering the cultural values and beliefs associated with those properties.

PTRCI are Tier 2 properties subject to a higher standard of care. Prior to planning covered undertakings, installations will proactively consult with Federally recognized Tribes and NHOs to identify locations of PTRCI on Army installations for the purposes of avoiding adverse effects to such properties. Installations may, subject to the availability of funds, reimburse travel expenses for members of Federally recognized Tribes and NHOs when consulting and seeking such Indigenous Knowledge regarding PTRCI. Archaeological sites and other properties associated with Federally recognized Tribes or NHOs are presumptively treated as potential PTRCI, subject to further consultation with the respective Tribes or NHOs. The Army will avoid adverse effects to PTRCI to the maximum extent possible.

If a proposed warfighting readiness activity may have an unavoidable adverse effect on a PTRCI, installations will engage in a sixty (60) day consultation period with the affected Federally recognized Tribes or NHOs to inform the development of a treatment plan with appropriate mitigation measures. The recommendations provided by the Federally recognized Tribes or NHOs will be a primary

consideration in preparing the treatment plan. If the recommended mitigation is not technically or financially feasible, the installation will work with the affected Federally recognized Tribes or NHOs to develop a feasible or an alternative mitigation measure.

Following the sixty-day consultation period, the Army may proceed with the undertaking in a manner that allows for the completion of the mitigation measures outlined in the approved treatment plan. Army installations may afford additional time for Federally recognized Tribes or NHOs to provide their views on the proposed mitigation if there are significant extenuating circumstances and there are no major impacts to the timing and cost of the undertaking.

The confidentiality of any sensitive site information, Indigenous Knowledge, and other culturally sensitive information provided by Federally recognized Tribes and NHOs should be protected.

Reports prepared for PTRCI will protect the confidentiality of sensitive information to the maximum extent possible under applicable authorities. Reports addressing the mitigation of PTRCI will be provided to the Federally recognized Tribes or NHOs that attach significance to those properties.

**4.2.5. Management of Tier 3 Properties - Non-NHL Pre-1941 Built Infrastructure and Non-PTRCI Archaeological Sites and Archaeological Districts.**

This program comment recognizes that the Army possesses the equivalent professional expertise and access to information as SHPOs, NPS, and ACHP regarding pre-1941 built infrastructure and non-PTRCI archaeological sites and districts. Covered undertakings on Tier 3 properties will be managed by installations in coordination with their command. Identification, evaluation, and mitigation of such historic properties will be conducted by installations in accordance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. The Army will ensure these activities occur under the supervision of individuals that meet the Secretary of the Interior's Professional Qualification Standards. When such historic properties may be adversely affected, installations will implement the applicable standard mitigation measure set forth in this program comment. Such activities for Tier 3 properties are reported by installations in their annual report prepared in accordance with section 7.

**4.2.6. Management of Tier 4 Properties - Built Infrastructure from WWII and Cold War Eras (1941-1989)**

**(Properties Constructed in 1941 Through and Including 1989) .**

Non-NHL built infrastructure from WWII and Cold War eras (1941-1989) are Tier 4 properties. Adverse effects from the covered undertakings to Tier 4 properties have been mitigated by existing extensive mitigative documentation and by the physical preservation of period NHL properties. The Army's Section 106 compliance for representative historic properties constructed during WWII and the Cold War eras has been addressed under the following nationwide programmatic compliance actions: Programmatic Memorandum of Agreement (PMOA) for DOD World War II Temporary Buildings, Program Comment for WWII and Cold War Era Army Ammunition Production Facilities, Program Comment for Department of Defense WWII and Cold War Era Ammunition Storage Facilities, Program Comment for Department of Defense Cold War Era Unaccompanied Personnel Housing (UPH).<sup>xii</sup> Documentation of these representative WWII and Cold War era properties exists in the extensive studies prepared for those Section 106 compliance agreements. Nearly 600 additional Army and DoD Cold War era studies are listed in the annotated bibliography at <https://www.denix.osd.mil/army-pcwr/>, representing

comprehensive documentation of Cold War era military historic properties.

In addition to this extensive documentation of WWII and Cold War era historic properties, the Army preserves and manages four NHLs from the WWII and Cold War eras. Those WWII and Cold War era NHLs are Ladd Field NHL District, Fort Wainwright, AK; Launch Complex 33, White Sands Missile Range, NM; The Trinity Site, White Sands Missile Range, NM; and the Opana Radar Site, Kahuku Training Area, HI:

- Ladd Field NHL 1939-1947 period encompasses the establishment of Ladd Field as a critical base for Lend-Lease operations with the Soviet Union during World War II and its subsequent role in early Cold War era research and development, particularly related to Arctic military operations.
- Launch Complex 33 NHL 1945 to 1957 reflects the site's use for the V-2 rocket program after World War II, which was crucial for developing Cold War era rocketry and missile technology in the United States. While its operational lifespan extended beyond 1957, the early years are considered the most significant.
- Trinity Site NHL period of significance is centered around July 16, 1945. This is the date of the Trinity

Test, the first detonation of a nuclear weapon. The Trinity test was conducted by the Army on White Sands Missile Range at 5:29 a.m., July 16, 1945, as part of the Manhattan Project.

- Opana Radar Site NHL period of significance is December 7, 1941. This single date marks when the radar site detected the incoming Japanese air attack on Pearl Harbor. While the detection was not effectively communicated in time to prevent the attack, the site represents the earliest warning of the attack and its role in the events of that day.

Associated built infrastructure constructed during the WWII and the Cold War eras (1941-1989) has been well documented, and the most significant representative properties in the Army inventory are preserved and managed as NHLs. Adverse effects of warfighting readiness activities and management actions on non-NHL Army WWII and Cold War era associated infrastructure are addressed by the existing comprehensive documentation and by the physical preservation of period NHL properties.

#### **4.2.7. Effect Determinations.**

The effects of warfighting readiness activities and management actions on associated infrastructure are assessed as follows.

**Adverse Effect:**

- Physical damage or destruction of all or part of a Tier 1, Tier 2, or Tier 3 property.
- Alteration of NHLs and pre-1941 non-NHL buildings that is not consistent with the Secretary of the Interior Standards for Rehabilitation (36 CFR 68.3(b)) as implemented by the guidelines and procedures in Appendices C and D.
- Removal of a Tier 1, Tier 2, or Tier 3 property from its historic location.
- Neglect of a Tier 1, Tier 2, or Tier 3 property that causes significant deterioration.
- Transfer, sale or lease of Tier 1, Tier 2, or Tier 3 property out of Federal ownership.
- Introduction of visual, atmospheric or audible elements that diminish the integrity of significant historic features of PTRCI.
- Change in the character of PTRIC use or physical features within their setting that contribute to their significance.

**Tier 4 Properties:** Adverse effects to Tier 4 properties will be mitigated by the extensive existing

documentation (see endnote 7) and physical preservation of the most significant NHL examples of those properties.

**Interiors of Pre-1941 Buildings:** Interior alterations and reconfiguration of interior floorplans in pre-1941 built infrastructure do not require further review due to the extensive modification and modernization that has occurred.<sup>xiii</sup> Where an existing interior floorplan does not accommodate current or changing military needs, technology requirements, quality of life considerations, force protection requirements, or health and safety considerations, floorplan alterations and reconfigurations will occur using substitute building materials or any modern industry standard building materials.

Army installations will resolve adverse effects to Tier 1, 2, and 3 historic properties following the Mitigation Measures for Adversely Affected Historic Properties.

#### **4.2.8. Mitigation Measures for Adversely Affected Historic Properties.**

**General:** The Army will strive to avoid adverse effects to historic properties. Where adverse effects to Tier 1, 2, and 3 historic properties cannot be avoided, a treatment plan will be developed by the installation in accordance with the Secretary of the Interior's Standards and

Guidelines for Archeology and Historic Preservation (48 FR 44716, September 29, 1983) to mitigate the adverse effect. Treatment plans should be technically and financially feasible and focus on mitigation of the historic property adversely affected.

Treatment plans for Tier 1 NHL properties will be developed in consultation with the ACHP and NPS. Treatment plans for Tier 2 PTRCI will be developed in consultation with Federally recognized Tribes and NHOs ascribing significance to the historic property. Treatment plans for Tier 3 properties will be developed by the installation in coordination with their command. The Army FPO will approve installation treatment plans for Tier 1 NHL properties. Commands will approve installation treatment plans for Tier 2 and Tier 3 properties. No treatment plans will be required for Tier 4 properties since potential adverse effects will be mitigated by the extensive existing documentation of representative property types and by physical preservation of period NHLs.

Once completed, Army installations will make mitigation reports resulting from the treatment plan available via an installation public web site or by other means to the ACHP, SHPOs, Tribes, and NHOs for informational purposes. Mitigation reports will be subject

to Army operational security review and be retained by the installation in accordance with Army document management and retention requirements. Specific locational information for sensitive historic properties is protected from disclosure to the maximum extent possible in accordance with Section 304 of the NHPA.

**Standard mitigation measures for buildings, structures, districts, objects, and landscapes.**

Installations may address adverse effects to buildings, structures, districts, and landscapes associated with warfighting readiness activities that are significant under National Register criterion C through documentation prepared to the standards of the Historic American Building Survey (HABS), Historic American Engineering Record (HAER), Historic American Landscapes Survey (HALS) standards, or to equivalent State standards, as appropriate. Where such properties are significant under other National Register criteria, historical documentation appropriate to their significance or signage may be prepared.

**Standard mitigation measures for archaeological sites.**

To address adverse effects on archaeological sites and districts, installations may implement standard mitigation measures. These may include: (1) site avoidance; (2) site protection measures like capping or signage; (3)

archaeological monitoring of ground-disturbing activities; or (4) data recovery excavations. Data recovery excavations will be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. For archaeological sites that are PTRCI, Indigenous Knowledge-informed mitigation will occur in accordance with the following section regarding mitigation measures for PTRCI. If data recovery is pursued, an archaeological site mitigation report will be prepared.

**Mitigation measures for properties of traditional religious and cultural importance.** The Army recognizes that standard mitigation measures may not be applicable to PTRCI to Federally recognized Tribes and NHOs. To ensure Indigenous Knowledge-informed treatment occurs, installations will inform treatment plans through government-to-government consultation with the Federally recognized Tribe(s) ascribing significance to the property. Installations in HI will inform treatment plans through consultation with the NHO(s) ascribing significance to the property. For defined landscape areas that are considered PTRCI the Army may, as a mitigation measure, prepare ethnographic studies in coordination with Federally recognized Tribes or NHOs.

**Alternative mitigation measures.** The Army may implement alternative mitigation measures in lieu of the standard mitigation measures for any adversely affected historic property. Alternative mitigation involves mitigative measures applied to property types other than those directly affected by the undertaking, or another type of creative mitigation. The Army may implement alternative mitigation on Army installations, Army owned and leased property, federal lands withdrawn by Army for military purposes, state lands used for federal warfighting readiness activities of the Army National Guard, and on properties with conservation easements. Alternative mitigations will be included in treatment plans. Alternative mitigation measures do not occur when standard mitigation measures may be applicable.

**4.2.9. Avoiding duplication of effort for mitigation of pre-1941 built infrastructure.**

In constructing its extensive military infrastructure, the Army used standardized designs and plans for buildings, structures, districts, landscapes, and for entire installations.<sup>\*xiv</sup> The result of Army standardization is that the same designs for buildings, structures, districts, landscapes, housing, and overall installation designs are repeated, one after the other, on Army installations. The

Army's pre-1941 built infrastructure was constructed following Army standardized plans; therefore, Army installations avoid duplicating mitigation efforts for such built infrastructure. When developing a treatment plan for mitigation of adverse effects to pre-1941 built infrastructure, installations and commands may identify if similar built infrastructure has been previously documented or if known better-preserved examples exist on the installation or elsewhere. If prior documentation or better-preserved examples sufficiently represent the adversely affected property, that information should be incorporated into the treatment plan to minimize redundant mitigation efforts.

#### **4.2.10. National Mitigation Areas.**

National Mitigation Areas are locations where the Army has made a commitment to long-term stewardship of significant historic properties beyond the requirements of the NHPA. These areas, which include two National Monuments designated under the authority of the Antiquities Act (54 U.S.C. 32030) and a Native Hawaiian PTRCI, contain a high concentration of historic buildings, archaeological sites, historic districts, PTRCI, sacred landscapes, and significant natural resources and geological features.

The Army's NMAs are nationally significant heritage resources and represent an investment in historic preservation at a landscape scale. The Army's preservation of these areas can serve as compensatory mitigation for adverse effects to historic properties for areas with health and safety hazards as described below, and as an alternative mitigation option. The National Mitigation Areas are:

**Carlisle Federal Indian Boarding School National Monument, Carlisle Barracks, PA:** The Carlisle Federal Indian Boarding School National Monument was established under the authority of the Antiquities Act at the Army's Carlisle Barracks in December 2024 (89 FR 100289, December 12, 2024). The Army, recognizing the profound cultural significance of the Carlisle Indian Industrial School to Federally recognized Tribes, partnered with the Department of the Interior in this National Monument designation. The school's former campus is located within Carlisle Barracks, an Army installation with a history dating back to the Revolutionary War. The Barracks saw limited use by the Army following the Civil War. In 1879, Congress authorized the Secretary of War to transfer vacant military posts to the Secretary of the Interior for industrial training of Indian youth, including Carlisle Barracks, leading to the school's

establishment in 1879. The Carlisle Indian School was the Nation's first off-reservation Federal Indian boarding school. From 1879 to 1918, over 7,800 children from 140 Tribes attended the Carlisle School. After the Department of the Interior closed the Carlisle Indian School, Carlisle Barracks was transferred back to the Army. While under Army stewardship the former Carlisle Indian School campus was designated as an NHL district in 1961. The 24 NHL historic structures associated with the Carlisle Indian School include residential, vocational, and athletic buildings that evoke the Federal Indian boarding school era. The National Park Service now collaborates with the Army and others to share the story of the school (see <https://www.nps.gov/cibs/index.htm>).

**Castner Range National Monument, Fort Bliss, TX:**

Established on Fort Bliss in March 2023 (88 FR 17999, March 27, 2023) under the authority of the Antiquities Act, the Castner Range National Monument encompasses 6,672 acres. The Army ensures the protection of sacred sites, PTRCI, and natural ecosystems within the Castner Range National Monument (<https://www.denix.osd.mil/crnm/>). Castner Range remains undeveloped with historic properties preserved due to its history of military use. Since the cessation of live-fire exercises over half a century ago, Castner Range,

under Army stewardship, is maintained as a natural Chihuahuan Desert ecosystem. Vital springs like Indian Springs, Cottonwood Springs, Mundy Springs, and Whispering Springs provide water sources and rare desert habitat for plants and wildlife. There are 41 identified prehistoric archaeological sites on Castner Range containing ancient pit houses, roasting pits, ceramics, bedrock mortars, petroglyphs, and other archaeological features and artifacts. The Army has listed archaeological sites and districts on Castner Range in the National Register of Historic Places including the Fusselman Canyon Rock Art District, the Northgate Site, and the Castner Range Archaeological District.

**500 Acre Conservation Easement Protecting Kūkaniloko, O`ahu, HI:** Kūkaniloko is one of the most sacred Native Hawaiian places and is found within the cultural landscape of the Wahiawā Plateau on O`ahu. This area was the royal birth site for high-ranking chiefs, known as ali`i, and was utilized as a birth site well into the 17th century. Kūkaniloko is believed to be the geographical and spiritual center of O`ahu and is also spiritually connected to other sacred sites in Hawai`i (see <https://www.oha.org/wp-content/uploads/Attachment-6-OHA-Kukaniloko-Information-Sheet.pdf>). In 2012 the Hawai`i State Legislature

authorized \$13 million towards the purchase of a conservation easement on 500 acres of sacred landscape surrounding Kūkaniloko for its protection. Army and its conservation partners including the Trust for Public Land and the Office of Hawaiian Affairs raised the additional \$12 million required for purchase of the easement, which included over \$4.5 million from the Army. As a result, the Office of Hawaiian Affairs received the 500-acre in-perpetuity easement surrounding Kūkaniloko for long-term conservation. The area is not open to the public and visits are coordinated through the Hawaiian Civic Club of Wahiawā. The Army provides resources for on-going land management and conservation activities on the 500-acre easement.

**4.2.11. Limitation on Disclosure of Information.**

Section 304 of the NHPA (54 U.S.C. 307103) authorizes Federal agencies to withhold from public disclosure information about the location, character, or ownership of a historic property if that disclosure may cause a significant invasion of privacy, risk harm to the historic property, or impede the use of a traditional religious site by practitioners. Army compliance with 54 U.S.C. 307103 is demonstrated by implementation of the following actions: Army installations will ensure that reports, documents, or other materials that address the location and character of

sensitive historic properties (including archaeological sites and PTRCI) are prepared and disseminated in a manner that maintains the confidentiality of such information. The determination to withhold information regarding the location and character of PTRCI is made in consultation with the property's affiliated Federally recognized Tribes and NHOs and pursuant to the requirements of Section 304.

**4.2.12. Health and Safety Hazards.**

No further Section 106 review, including historic property identification, evaluation, assessment, monitoring, and mitigation activities will occur in known areas on Army installations where there are human health and safety hazards including areas containing unexploded ordnance (UXO) such as impact areas and surface danger zones, and contaminated land areas and contaminated properties. It is unlikely that historic properties would be identified in these areas. Any potential adverse effects that may occur to historic properties located in such areas are resolved by the preservation of historic properties within the National Mitigation Areas identified in this program comment.

**4.2.13. Public Outreach, Access, and Comment.**

Army installations may foster transparency and strengthen civil-military relationships by providing public

educational tours, cultural events, and partnerships with local schools and organizations. These programs, which often include museum exhibits and tours that highlight Army historic properties and preservation initiatives, provide the opportunity for the public to connect with heritage firsthand. Installation Public Affairs Offices may be contacted at any time for information pertaining to such installation public outreach events. For installations with PTRCI, access to those historic properties is provided to Tribes and NHOs for their cultural use. In addition, opportunities for the public to comment on installation activities will occur under installation actions to comply with comprehensive environmental review requirements. These actions will ensure that the public has a voice in decisions that may affect the environment and historic properties on installations.

#### **5.0 Discovery of Historic Properties.**

The discovery of a historic property during implementation of warfighting readiness activities will be addressed by the procedures in this section. If the discovery involves Native American or Native Hawaiian cultural items or human remains, the Native American Graves Protection and Repatriation Act (NAGPRA) and 43 CFR Part 10 will be followed in lieu of this program comment.

If an undertaking covered by this program comment has commenced and a discovery or unanticipated effects to a non-NAGPRA property occur, activities will cease in the immediate area of the discovery. The undertaking can continue in areas outside of the immediate protected area of the discovery. The installation will notify the ACHP, the relevant SHPO, and Federally recognized Tribes or NHOs of the discovery and proposed mitigation and will provide them with five (5) calendar days to comment.

The Army will consider any timely comments in assessing the National Register of Historic Places eligibility of the property under applicable National Register criteria. If the installation determines that the property is not a historic property, the undertaking can proceed in the area of the discovery. If the discovered property is determined by the installation to be a historic property and avoidance of adverse effects is not possible, the installation and command will consider any timely comments from the ACHP and SHPO, Federally recognized Tribe or NHO and prepare and implement a technically and financially feasible mitigation measure to resolve the adverse effect. If the property is identified by a Federally recognized Tribe or NHO as a PTRCI, the views provided by the Federally recognized Tribe or NHO will be a

primary consideration in finalizing the mitigation measure. The undertaking may continue in a manner allowing for implementation of the mitigation measure. The installation will coordinate the mitigation with the command, incorporate command recommendations, carry out the mitigation measure, prepare the mitigation report, and summarize the action in their annual report.

If no responses are received within five calendar days of the notification, the installation will inform the ACHP, SHPO, Federally recognized tribe or NHO that it will implement the mitigation proposed by the installation, will make the mitigation report available to the ACHP, SHPO, Federally recognized Tribe or NHO, and will report the action in their annual report. The installation may afford additional time for Federally recognized Tribes or NHOs to provide their views if there are significant extenuating circumstances and no major impacts to the timing and cost of the undertaking.

#### **6.0 Emergency Situations.**

In the event that an installation proposes an essential and immediate response to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or another immediate threat to life and property, the Army will implement 36 CFR 800.12(b)(2). The

Army will notify the ACHP, the appropriate SHPO / Tribal Historic Preservation Officer and any Indian tribe or NHO that may attach religious and cultural significance to historic properties likely to be affected prior to the undertaking and afford them an opportunity to comment within seven (7) calendar days of notification. If the Army determines that circumstances do not permit seven days for comment, the Army will notify the ACHP, the SHPO / THPO, and Indian tribe or Native Hawaiian organization and invite any comments within the time available.

This section applies only to undertakings that will be implemented within 30 days after the disaster or emergency has been formally declared by the appropriate authority. The Army may request an extension of the period of applicability from the ACHP prior to the expiration of the 30 days. In accordance with 36 CFR 800.12(d), immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106 and 36 CFR Part 800.

#### **7.0 Annual Reporting and Annual Meeting.**

On or before 1 February of each year, each installation with undertakings addressed under this program comment will prepare an Annual Installation Program Comment Report for the preceding fiscal year. The installation

annual report will summarize individual undertakings implemented under the program comment and efforts to identify, evaluate, assess effects, and avoid or mitigate adverse effects to historic properties. The Annual Installation Program Comment Report will be published by the installation on a publicly accessible website, following applicable requirements for information dissemination. When published, the installation will inform relevant SHPOs, THPOs, Federally recognized Tribes, and NHOs that the annual installation report is available for their information. Annual reporting by installations will occur for the duration of this program comment.

After 1 February of each year, the Army FPO will prepare an annual Army Program Comment Summary Report for previous fiscal year activities. The annual Army report will provide an executive summary of activities under the program comment, identifies successes, significant challenges, how challenges were addressed, and how they may be avoided in the future. The annual report will also include an assessment of the overall effectiveness of the program comment in meeting its intent. The Army FPO will submit the Program Comment Summary Report to the ACHP. Following report submission, the FPO will meet with the ACHP and others as appropriate to discuss implementation of

the program comment. Such annual reporting and annual meetings will occur for the duration of the program comment and may take place in-person, by phone, videoconference, or any combination of such methods.

## **8.0 Applicability.**

The Army implements warfighting readiness activities and management actions on associated infrastructure in accordance with the terms of this program comment. This program comment applies to all warfighting readiness activities and management actions on associated infrastructure on installations of the Active Army, Army Reserves, and Army National Guard. This program comment applies to joint bases where the Army is the lead military service. This program comment will apply to all real property that is acquired by the Army and incorporated into to an existing Army installation.<sup>xv</sup>

This program comment does not apply to any proposed undertakings that would take place off of, or affect historic properties located off of Army installations. This program comment does not apply to any proposed undertaking that may occur on or affect historic properties located on Tribal lands. This program comment does not apply to any proposed undertakings at Arlington National Cemetery. This program comment does not apply to Army-owned family housing

or to privatized Army family housing. This program comment does not apply to Civil Works activities of the U.S. Army Corps of Engineers.

#### **9.0 Duration.**

This program comment is effective upon the date of its adoption by the ACHP and remains in effect through December 31, 2055, unless withdrawn earlier as provided herein.

The specified duration of this program comment aligns with the expiration dates of three program comments concerning historic Army housing.<sup>xvi</sup> No later than one year prior to the expiration of this program comment, the Army and the ACHP may identify a process for integration of this program comment and the program comments for historic Army housing. The intent is to further standardize Army Section 106 compliance procedures into a single comprehensive program alternative.

#### **10.0 Amendment and Withdrawal.**

**Amendment.** The terms of this program comment can only be changed following the amendment procedures of this program comment. All such proposed amendments are submitted by the ACHP to the Army FPO for a 30-day review and consultation period. Amendments will consider and address the Army's comments. Amendments to this program comment are subject to a vote and adoption by the ACHP membership. The

ACHP will publish notice in the Federal Register regarding adopted amendments.

**Withdrawal.** If the ACHP membership determines that consideration of historic properties is not being carried out in a manner consistent with this program comment, the ACHP membership may propose withdrawal of the program comment only after consultation with the Army to resolve the inconsistency. The ACHP will publish a notice in the Federal Register of any vote to withdraw. If this program comment is so withdrawn, the Army complies with the requirements of 36 CFR 800.3 - 800.7, or an applicable program alternative, for undertakings subject to this program comment.

#### **11.0 Definitions.**

The following definitions apply for the purposes of implementation of this program comment:

Abate or abatement means actions to eliminate, lessen, reduce, encapsulate, or remove hazardous or toxic materials, and unsafe conditions.

Alternative mitigation means actions taken to offset the unavoidable adverse effects of an undertaking on a historic property. Alternative mitigation may occur when mitigation actions on an adversely affected historic property are not financially or technical feasible, where there are national

security implications, or other extenuating circumstances. Alternative mitigation may occur through other mitigative activities involving other historic properties.

Area of potential effects means the same as the term's definition at 36 CFR 800.16.

Associated infrastructure means the totality of all built infrastructure and natural infrastructure associated with Army warfighting readiness activities.

Built infrastructure means all buildings, structures, districts, objects, sites, and landscapes and landscape features. The built infrastructure includes the entire overall design and layout of Army installations including but not limited to cantonments, training areas, testing areas, ranges, maneuver areas, all buildings, structures, landscapes, landscape features, sites, districts, objects, facilities, research related properties, industrial and manufacturing areas and properties, warehouses, roadways and circulation patterns and systems, rail lines, bridges, dams, utility systems, mechanical systems, airfields, heliports, energy infrastructure, etc. Includes all man-made landscapes and landscape features. See Appendix B for additional detail on buildings and structures included in the built infrastructure.

Economic or Financial feasibility means the Army's assessment of relevant factors to determine if an action, project, or product to address a historic property are financially viable and sustainable. It considers the costs of building materials, labor, mitigation, among other factors against the available funding and longer-term financial resources to ensure the action is realistic, achievable, and will effectively preserve or document the property's historical value.

Health or safety hazards means land, buildings or structures that have any of the following conditions: violations of health and safety codes and standards; structurally unstable roofs or walls; non-functional or poorly functioning mechanical systems; rodent, insect, or mold infestations, lead based paint exposure risks; asbestos exposure risks; sites contaminated with hazardous substances, pollutants, contaminants, toxic chemicals and materials, or any other environmental hazards; damages due to fire, flooding, or natural disasters; and other conditions that present health hazards or make the land, buildings or structures unsafe.

Historic building materials means building materials that were used in the initial construction of a building, and

for designated NHLs it means all materials within the period of significance.

Historic character means the same as the terms usage in the Secretary of the Interior's Standards for the Treatment of Historic Properties at 36 CFR Part 68.

Historic district or district means the same as the term's definition in 36 CFR 60.3(d). The terms historic district, archaeological district, and district are used interchangeably in this program comment.

Historic property means the same as the term's definition in 36 CFR 800.16.

Imitative substitute building materials or substitute building materials means modern, industry standard, natural, composite, and synthetic materials that simulate the appearance of historic materials. They are used as alternatives to historic building materials and in-kind building materials when those materials are not financially or technically feasible, or where other factors such as contamination require replacement of historic building materials. The terms imitative substitute building materials and substitute building materials are used interchangeably for the purposes of this program comment.

In-kind building materials means new building materials that are identical to historic building materials in all

possible respects, including their composition, design, color, texture, and other physical and visual properties.

Industrial activity means all activities at all Army research laboratories, depots, arsenals, and ammunition plants involved in research, development, manufacturing, storing, maintaining, and disposal of Army weapons and material.

Installation means an aggregation of contiguous or near contiguous, common military mission- supporting real property holdings under the jurisdiction, possession, or control of the Department of the Army or of a State, commonwealth, territory, or the District of Columbia, and at which any unit or activity of the Active Army, Army Reserve, or Army National Guard is assigned or trains. Includes joint bases where Army is the lead military service.

Land means real estate that is fee-owned by the Federal Government and or under custody and accountability of the Army. Includes land acquired by purchase, condemnation, donation, transfer, permit, lease or other means. Includes reclaimed or accredited lands if title is vested in the Federal Government and such lands are under custody and accountability of the Army. The terms land and Army land are used interchangeably in this program comment.

Landscape and landscape features includes all plantings and landscaping, gardens, parade grounds, open spaces, recreational landscape features (including but not limited to recreational and athletic fields, playgrounds, golf courses, tennis courts, etc.), fencing, parking areas, garages, signage, site furnishings, parade grounds, lighting, sidewalks and curbing, driveways, setbacks, cemeteries, objects, statuary, monuments, archaeological sites and districts, and all human influenced landscapes and landscape features. Includes all visual elements and viewsheds into historic properties and historic districts and out from any historic property or historic districts into other historic properties and districts, and all other landscape features.

Lease, transfer, and conveyance means the execution of documents for real property lease, sale, possession, management, operation, development, conveyance, or transfer of real property into or out of Army ownership, jurisdiction, or management. Includes execution of property transfers and conveyances of ground leases, easements, and property ownership. Includes Enhanced Use Leases (EUL) and all EUL associated development activities, public land withdrawals, and any other form of real property conveyance or transaction. In the event of a conflict or inconsistency

between a lease, transfer, or conveyance document and this program comment with respect to the obligations pursuant to Section 106 of the NHPA, the terms of this program comment have primacy.

Maintenance and repair means all activities required to maintain the exterior of buildings and structures, mechanical systems, and exterior building features, elements, and materials in an operational state, or to bring them back to operating condition by repair or replacement of obsolete, broken, damaged, or deteriorated mechanical systems, features, elements, and materials on exteriors.

Management actions are actions taken with respect to warfighting readiness associated infrastructure (see Appendix B) as follows:

- **Associated Infrastructure:** Management actions concerning associated infrastructure (built infrastructure and natural infrastructure) include real property transactions including leasing, acquisition, and disposal of any real property interests into or out of government ownership whether by purchase, lease, easement, transfer, sale, public land withdrawal, agricultural out leasing, or any other form of real property conveyance. Includes

activities supporting establishment and use of Enhanced Use Leases on Army installations. Includes the transfer of national defense areas to the Army as new installations or for incorporation into existing installations.

- **Built Infrastructure:** Management actions concerning built infrastructure include maintenance, repair, rehabilitation, renovation, additions, improvements, abatement and remediation of health and safety hazards (such as lead based paint, asbestos, among others), mothballing, cessation of maintenance, and demolition. Includes new construction including major and minor military construction and construction on installations by parties other than the Army under EULs or other authorities.
- **Natural Infrastructure:** Management actions on Army land including all land management activities such as natural resources management, cultural resources management, integrated training area management, soil erosion control, and forestry operations. Includes natural resource extraction activities, such as mineral exploration, extraction, mining, mineral processing, timber harvesting and sales, and harvesting and/or collection of other resources.

Includes the removal and/or detonation of unexploded ordnance (UXO) or discarded military munitions, includes the assessment, investigation, and/or implementation of removal or remedial actions to address releases of hazardous substances, pollutants, or contaminants.

Military landscape is composed of two components - built infrastructure and natural infrastructure, collectively referred to in this program comment as associated infrastructure. The military landscape encompasses the entirety of each Army installation including the totality of the associated infrastructure. The military landscape is the nationwide analytical framework for Section 106 compliance for Army warfighting readiness activities and management actions on associated infrastructure. The terms military landscape and installation military landscape are used interchangeably in this program comment.

Mitigation measure means an action that serves to resolve adverse effects on historic properties.

Mothballing means an action to close and deactivate buildings and structures for an extended period, with the intent that the property would be brought back to an operational status at some future time.

National Historic Landmark means historic properties formally designated as such by the Secretary of the Interior under the authority of the Historic Sites Act of 1935.

Natural infrastructure is addressed under Army Real Property Category Code 9, and it incorporates all Army lands, ecosystems, landscapes and viewsheds, natural features, and all other natural resources. Natural infrastructure includes forests, wetlands, rivers, streams, lakes, riparian areas, deserts, grasslands, prairies, habitats, vegetation, soils, mineral resources, archaeological and geological sites and features.

Rehabilitation means, in accordance with the Secretary's Standards for Rehabilitation at 36 CFR 68.3(b), the act or process of making possible an efficient compatible use for a property through repair, alterations and additions while preserving those portions or features that convey its historical, cultural or architectural values. Includes actions to improve energy efficiency, address obsolete, damaged, deteriorated, or defective interior and exterior building materials and elements, fencing, and all other changes to improve the quality of life, health, and safety of residents. Rehabilitation includes additions, exterior alterations, and adjacent or related construction allowed

under the Secretary Standards for Rehabilitation (9) and (10).

Technical feasibility means the Army's assessment of relevant factors to determine if an action, project, or product is suitable, practical, viable, and can be successfully implemented in consideration of warfighting readiness requirements.

Testing or military testing means activities that evaluate weapons and materiel performance, safety, and reliability.

To the maximum extent possible means implementation of actions to the extent capable of being carried out with reasonable effort considering economic and technical feasibility.

Training or military training means activities that prepare units and Soldiers for combat operations.

Tribal lands means the same as the term's definition at 36 CFR 800.16.

Viewshed includes all the area visible from a particular location, viewing point, or series of viewing points. It includes all visual elements and surrounding points that are in the line of sight from any location, viewing point, or series of viewing points and excludes all points and locations that are not visible and/or are obstructed by terrain, other natural features, human influenced features,

man-made features, and points beyond the horizon. Includes all visual elements and viewsheds into historic properties and historic districts and out from any historic property or historic districts into other historic properties and districts, and all other landscape features. Viewsheds are addressed under this program comment as part of the military landscape and landscape features.

Warfighting readiness activities means those military training, testing, equipping, and industrial activities specified in Appendix A, and management actions occurring on associated infrastructure as specified in Appendix B.

## **12.0 Appendices.**

See all Appendices on the Army's website at <https://www.denix.osd.mil/army-pcwr/>.

Appendix A - Warfighting Readiness Category of Undertakings

Appendix B - Associated Infrastructure and Management Actions

Appendix C - Design Guidelines for Pre-1941 Buildings, Structures, and Landscapes Appendix D - Building Materials Guidelines and Catalog for Pre-1941 Buildings, Structures, And Landscapes

(END OF DOCUMENT)

(Authority: 36 CFR 800.14(e).)

Dated: April 29, 2026.

**Reid Nelson,**

*Executive Director.*

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<sup>i</sup> ACHP Program Comment guidance -

[https://www.achp.gov/program\\_comment\\_questions\\_and\\_answers](https://www.achp.gov/program_comment_questions_and_answers).

<sup>ii</sup> Context Study of the United States Army Quartermaster General Standardized Plans 1866-1942. US Army Corps of Engineers, Seattle District, 1997; A Study of United States Army Family Housing Standardized Plans, Volumes 1-5, Beth Grashof, Georgia Institute of Technology, 1986; National Historic Context for Department of Defense Installations, 1790-1940, Volumes 1-4. Referenced studies are at <https://www.denix.osd.mil/army-pchh/>.

<sup>iii</sup> ACHP Program Comment guidance -

[https://www.achp.gov/program\\_comment\\_questions\\_and\\_answers](https://www.achp.gov/program_comment_questions_and_answers).

<sup>iv</sup> For examples see *Supplemental Information Briefing* at <https://www.denix.osd.mil/army-pcwr/>.

<sup>v</sup> Report and Recommendations on the Application and Interpretation of Federal Historic Preservation Standards. Sara C. Bronin, Chairman ACHP, March 1, 2024.

<https://www.achp.gov/standardsreport>.

<sup>vi</sup> See the four program comments for historic Army housing at <https://www.denix.osd.mil/army-cr/army-dod-comments/>. For additional details including annual reports for the program comments for Pre-1919 housing, Inter-War era housing (1919-1940) and Vietnam War Era housing (1963-1975) see: <https://www.denix.osd.mil/army-pre1919-pchh/>, <https://www.denix.osd.mil/army-pchh/>, <https://www.denix.osd.mil/army-vwehh-pc/>.

<sup>vii</sup> The Department of War Cold War Historic Properties Bibliography at <https://www.denix.osd.mil/army-pcwr/> is a 244-page annotated bibliography that contains 590 individual reports that document historic properties from the Cold War era for the Army and the Department of War.

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Also see: National Historic Context for Department of Defense Installations, 1790-1940, Volumes I-4. DoD Legacy Resource Management Program Project 92-0075 (1995); Military Training Lands Historic Context, USACERL, 2010; World War II Temporary Military Buildings, USACERL Technical Report CRC-93/01,1993; World War II and the U.S. Army Mobilization Program: A History of 700 and 800 Series Cantonment Program, Legacy Resources Management Program, USACERL; Army Ammunition Production During the Cold War (1946-1989) , US Army Environmental Command, 2009; Army Ammunition and Explosives Storage in the United States: 1775-1945, US Army Corps of Engineers, 2000; Unaccompanied Personnel Housing During the Cold War 1946-1989, US Army Environmental Center, 2003; Historic Context for DoD Facilities WWII permanent Construction, US Army Corps of Engineers, Baltimore District, 1997; Historic Context for DoD Facilities World War II Permanent Construction, US Army Corps of Engineers, Baltimore District, 1997; California Historic Military Buildings and Structures Inventory, US Army Corps of Engineers, Sacramento District, 2000; A Historic Context for the African American Military Experience, USACERL, 1998; Army historic contexts at <https://aec.army.mil/Conservation/Cultural-Resource-Technical-Documents/>.

<sup>viii</sup> Archeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines. 48 FR 44716. Department of the Interior, National Park Service. September 29, 1983.

<sup>ix</sup> *ibid.*

<sup>x</sup> Army housing NHLs are addressed under the Army's program comments historic housing and are not subject to this program comment.

<sup>xi</sup> The Pioneer Deep Space Station, Fort Irwin, CA is managed by National Aeronautics and Space Administration under their NHPA Section 106 PA for that property and is not subject to this program comment.

<sup>xii</sup> Referenced nationwide NHPA compliance agreements are located at <https://www.denix.osd.mil/army-cr/army-dod-comments>. Also see references listed in footnote 7.

<sup>xiii</sup> The historic interior floorplans of pre-1941 built infrastructure have been modified and modernized by Army use over time; all current floorplans include rooms that were not features of the original design, new walls and partitions added that were not features of the original design, floors, walls, and ceilings cut through and modified to add plumbing, electrical service, and heating and ventilation ductwork, plaster walls replaced with

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drywall, paint and plaster removed to create a new appearance.

<sup>xiv</sup> Context Study of the United States Army Quartermaster General Standardized Plans 1866-1942. US Army Corps of Engineers, Seattle District, 1997. A Study of United States Army Family Housing Standardized Plans, Volumes 1-5, Beth Grashof, Georgia Institute of Technology, 1986. National Historic Context for Department of Defense Installations, 1790-1940, Volumes 1-4. Referenced studies are found at <https://www.denix.osd.mil/army-pchh/>.

<sup>xv</sup> For real property acquired by the Army and incorporated into an existing Army installation, the Army will carry out historic property identification efforts when it does not have any existing inventory or knowledge base about the types of historic properties that may be present on such real property.

<sup>xvi</sup> Program Comment for the Preservation of Pre-1919 Historic Army Housing, Associated Buildings and Structures, and Landscape Features, 89 FR 50350; Program Comment for Army Inter-War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1919-1940), 85 FR 64491; and Program Comment for Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975), 88 FR 28573.